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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,006	08/26/2003	Sai-Mun Lee	70011377-2	5926
7590	10/28/2005		EXAMINER	
AGILENT TECHNOLOGIES, INC.			NADAV, ORI	
Legal Department, DL429			ART UNIT	PAPER NUMBER
Intellectual Property Administration				
P.O. Box 7599			2811	
Loveland, CO 80537-0599			DATE MAILED: 10/28/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	10/649,006	LEE ET AL.	
	Examiner Ori Nadav	Art Unit 2811	
<b>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b>			
<b>THE REPLY FILED 19 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</b>			
<p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
<p><b>NOTICE OF APPEAL</b></p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>			
<p><b>AMENDMENTS</b></p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p>			
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>			
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____. </p>			
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>			
<p>7. <input type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____. </p> <p>Claim(s) objected to: _____. </p> <p>Claim(s) rejected: _____. </p> <p>Claim(s) withdrawn from consideration: _____. </p>			
<p><b>AFFIDAVIT OR OTHER EVIDENCE</b></p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>			
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>			
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>			
<p><b>REQUEST FOR RECONSIDERATION/OTHER</b></p> <p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See attachment.</u></p>			
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____. </p>			
<p>13. <input type="checkbox"/> Other: _____. </p>			
 <b>ORI NADAV</b> <b>PRIMARY EXAMINER</b>			

**DETAILED ACTION*****Response to Arguments***

Applicant argues that the title corresponds to the scope of the currently pending claims, and is therefore descriptive of that which is claimed, and if the examiner would prefer a different title, applicants request that the examiner make a suggestion.

Applicant's title corresponds to any packaging structure and does not necessarily cover the scope of the currently pending claims, and is therefore not descriptive of that which is claimed. An example of an adequate title is "packaging structure having hollow substrate with a recess therein".

Applicant argues that the examiner's indication that the Information Disclosure Statement (IDS) filed on 7/2/2004 fails to comply with 37 CFR 1.98(a)(2) and, as a result, the IDS filed on 7/2/2004 has not been considered contradicts the action of the examiner who was previously assigned to this case, who initialed applicants' Form PT0-1449 on 10/7/2004 to indicate that the references submitted as part of the 7/2/2004 IDS had been considered.

The examiner's indication that the Information Disclosure Statement (IDS) filed on 7/2/2004 fails to comply with 37 CFR 1.98(a)(2) and, as a result, the IDS filed on 7/2/2004 has not been considered does not contradict the action of the examiner who was previously assigned to this case, who initialed applicants' Form PT0-1449 on 10/7/2004 to indicate that the references submitted as part of the 7/2/2004 IDS had been considered. It is possible that, at the time the previous examiner considered the

IDS filed on 7/2/2004, legible copy of each cited foreign patent document was present in the case. At this time, none of the copies of the cited foreign patent document is present in the case.

Applicant argues that there is support in the specification for a hollow extending from the first side of the substrate to the second side of the substrate, as recited in claim 1, because the specification recites "The hollow within the substrate is made up of a first recess 42, in the first major side 44 and a second recess 48 in the second major side 46 (the underside in the orientation of Figure 2), meeting within the substrate".

The examiner agrees that the specification recites a hollow within the substrate is made up of a first recess and a second recess. However, there is no support in the specification for a hollow [first recess and second recess] extending from the first side of the substrate to the second side of the substrate, as recited in claim 1, because claim 1 already recites a recess [second recess] in the second side of the substrate.

Applicant argues that Nicewarner does not teach a "hollow 22 extending from the first side of the substrate 12 to the second side of the substrate", because the two cavities 18 and 20 of Nicewarner are separated by a partition 21 that is part of substrate 12.

The examiner does not consider cavity 20 as part of the "hollow". Only cavity 18 is considered as part of the "hollow". The second side of substrate 12 is taken to be the lower surface of the layer having sidewalls 60 and 64, and not surface 52. Partition 21

is therefore located below the second side of the "considered substrate 12". Therefore, Nicewarner teaches a "hollow 22 extending from the first side of the substrate 12 to the second side of the substrate", as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ori Nadav whose telephone number is 571-272-1660. The examiner can normally be reached between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Loke can be reached on 571-272-1657. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



O.N.  
10/24/05

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